IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Donald E. Marigliano	Confirmation No.:	7559
Serial No.:	10/634,698	Group Art Unit:	3693
Filed:	08/05/2003	Examiner:	Lemieux, Jessica
For:	Systems for Electronic Trading		

RESPONSE TO "NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF dated February 19, 2009, and in regards to the ORDER FROM THE BOARD OF PATENT APPEALS AND INTERFERENCES dated February 11, 2009, Applicants submit herewith the following documents for appropriate action by the U.S. Patent and Trademark Office.

☒ Copy of corrected Appeal Brief filed August 12, 2008 ("Grounds of rejection to be reviewed on appeal" amended to be consistent with the grounds of rejection of claims of record).

☐ Please charge the required fee of $___ to deposit account no.03-1240, Order No..

☐ A check in the amount of $___ in payment of the application filing fees is attached.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 03-1240, Order No. 17209-345.

Respectfully submitted,

CHADBOURNE & PARKE LLP

Dated: August 19, 2009   By: /Walter G. Hanchuk/
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REAL PARTY IN INTEREST

The present application is assigned to Goldman Sachs & Co, 85 Broad Street, New York, New York, U.S.A.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known to Appellant, Appellant's legal representative, or assignee, which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 2, and 4-37 are pending in this application. Claim 3 has been cancelled. All pending claims stand rejected and are now being appealed.

STATUS OF AMENDMENTS

No amendments are pending or were filed after the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1

The claimed subject matter relates to a user interface. The interface comprises at least one option quote area presenting a plurality of option quotes and an order entry area comprising input areas for inputting two or more option orders (Specification, page 2, lines 22 – 27). When one of the presented plurality of option quotes is selected, appropriate input areas of the order entry area are populated with an option order corresponding to the selected option quote (Specification, page 18, lines 12-18).

Claim 10

The claimed subject matter relates to a user interface that comprises at least one option quote area presenting a plurality of option quotes; and a control usable to specify a number of strike prices above and/or below a particular option strike price for which associated option quotes should be presented in at least one of the at least one order entry area (Specification, page 4, line 22, through page 5 line 11, and page 2, lines 24-27). Selection of one of the plurality of option quotes results in population of appropriate input areas of the at least one order entry area with an option order corresponding to the selected option quote (Specification, page 18, lines 12-18).

Claim 15

Independent claim 15 relates to a method. The method comprises presenting at least one option quote area presenting a plurality of option quotes, and presenting an order entry area comprising input areas for inputting two or more option orders (Specification, page 2, lines 22 – 27). Selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Specification, page 18, lines 12-18).

Claim 24

The claimed subject matter relates to a medium storing processor–executable process steps (Specification, page 12, lines 11-19). The process steps comprise a step to present at least one option quote area presenting a plurality of option quotes, and a step to present an order entry area comprising input areas for inputting two or more option orders (Specification, page 12, lines 11-19). Selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Specification, page 18, lines 12-18).

Claim 29

Independent claim 29 relates to an apparatus to manage corporate entities. The apparatus comprises a processor (Specification, page 11, lines 1-3), and a storage device in communication with the processor (Specification, page 12, lines 11-19). The storage device stores instructions adapted to be executed by the processor to present at least one option quote area presenting a plurality of option quotes, and to present an order entry area comprising input areas for inputting two or more option orders (Specification, page 12, lines 11-19). Selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Specification, page 18, lines 12-18).

Claim 34

The claimed subject matter relates to a system for managing option information. The system comprises an option server for receiving option quote information and for transmitting option quote information, and a client device for receiving option quote information from the option server, for presenting at least one option quote area presenting a plurality of option quotes, and for presenting an order entry area comprising input areas for inputting two or more option orders (Specification, page 8, line 21 through page 9, line 2). Selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote (Specification, page 18, lines 12-18).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1) ~~Claims 1, 10, 15, 24, 29, and 34~~ Claims 1-2, 4-7, 10, 13-21 and 24-37 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2003/0004853 ("Ram").

(2) ~~Claim 8 is~~ Claims 8-9, 11-12 and 22-23 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ram in view of U.S. Patent No. 6,876,981 ("Berckmans") and further in view of the Office Action's Official Notice.

ARGUMENT

I.   Claims 1, 10, 15, 24, 29, and 34 are not properly rejected under 35 U.S.C. §103(a)

The Final Office Action, on page 3, states that Ram discloses when one of a presented plurality of option quotes is selected, appropriate input areas of an order entry area are populated with an option order corresponding to the selected option quote. Specifically, the Office Action alleges that tab 128 is populated with an option order when a presented option quote is selected. Appellant respectfully disagrees.

Ram, at FIG. 12, displays a plurality of tab sets 124/120/128 etc. Tab sets 120 and 124 display securities data and tab set 128 includes a buy button, a sell button and a short button for buying, selling, or shorting securities. At paragraphs [0042] and [0043], Ram discloses that a display, at a trader's location, will display data for a selected security and, as illustrated in FIG. 12, the displayed data will be displayed in a tab set such as tab set 120 or tab set 124. However, nowhere do the aforementioned paragraphs disclose that by selecting a security in a first tab set (such as tab sets 120 or 124), data will be populated in a tab set that facilitates the ordering of securities, such as tab set 128.

Furthermore, tab sets 120, 124, and 128 each disclose a symbol lookup field with an associated "go" button. However, if, as asserted in the Office Action, selecting a security in a first tab set (such as tab sets 120 or 124) would populate a tab set that facilitates the ordering of

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securities, such as tab set 128, then <u>there would be no need for tab set 128 to have a symbol lookup field and respective "go" button</u>.

Since tab set 128 comprises both a symbol lookup field and respective "go" button, and since Ram fails to otherwise disclose how option order information may be populated into tab set 128, Ram can in no way to be seen to disclose or suggest that when one of a presented plurality of option quotes is selected, appropriate input areas of an order entry area are populated with an option order corresponding to the selected option quote.

Moreover, the May 29, 2008 Advisory Action ("Advisory Action") concedes that "Ram may not specifically disclose or suggest how this information is populated". Thus, while the above-mentioned paragraphs disclose displaying a plurality of data, the paragraphs <u>do not disclose populating data in an appropriate input area of an order entry area in response to selecting one of a presented plurality of option quotes</u>.

The Advisory Action further states that "the claims don't speak to the fact that the order entry area must be directly correlated to the option quote area". Appellant respectfully disagrees. The claims specifically state "an order entry area comprising input areas for inputting two or more option orders, wherein **selection** of one of the presented plurality **of option quotes results in population** of appropriate input areas **of the order entry area** with an option order **corresponding to the selected option quote**." (emphasis added). Since the population of the order entry does correspond to the selected option quote, the claims do in fact speak to a "correlation" between the option quote and order entry area. Accordingly, amended independent claims 1, 10, 15, 24, 29, and 34 and their related dependent claims are believed to be in condition for allowance.

II.   Claim 8 is not properly rejected under 35 U.S.C. §103 in view of the Office Action's Official Notice

Dependent claim 8 discloses the user interface of Claim 1, where a presented option quote is associated with one of a plurality of brightness levels of a color. A level of brightness is determined based on a difference between a strike price of the presented option quote and a price of a security underlying the presented option quote.

The Advisory Action concedes that "RAM does not specifically teach determining a color based on a difference between a strike price of an option quote and a price of a security" and that "Official notice was taken simply to overcome the fact that neither Ram or Berckmans specifically taught a plurality of brightness levels of color to associate the difference with." The Final Office Action, on page 6, states that "Official Notice is taken" that determining a brightness level of color for ease of perception and processing of displayed information is "old and well known". Appellant respectfully disagrees that brightness of a color based on a difference between a strike price of the presented option quote and a price of a security underlying the presented option quote is either old or well known.

As stated in M.P.E.P. 2144.03 (A) "[i]t would <u>not</u> be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Furthermore, "[i]f the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding." No such affidavit or declaration has been provided.

To support the Official Notice, in the Advisory Action, the Examiner states that the Official Notice "is that humans perceive different shades/brightness levels of colors as separate 'colors' all together (lime green vs. hunger green, sky blue vs. navy blue, etc.)." Appellant respectfully believes that the Examiner's statement falls short of disclosing that a brightness of a color is based on a difference between a strike price of the presented option quote and a price of a security underlying the presented option quote. Therefore, Appellant respectfully believes the dependent claim 8 is in condition for allowance. Claims 9, 11, 12 and 22 through 23 are also rejected based on the Office Action's Official Notice. Therefore, claims 9, 11, 12 and 22 through 23 are also believed to be in condition for allowance.

CONCLUSION

For the reasons stated above, the Examiner's rejections of claims are improper. Therefore, appellant respectfully requests that the Examiner's rejections be reversed.

Applicants hereby authorize and request that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit account No. 03-1240, Order No. 17209-345. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicants request that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicants hereby authorize and request that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-345.

In the event that a telephone conference would facilitate examination of the application in any way, Applicants invite the Examiner to contact the undersigned at the number provided.

Respectfully submitted,

CHADBOURNE & PARKE LLP

Dated: August 19, 2009   By: /Walter G. Hanchuk/
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APPENDIX A - CLAIMS

1. A user interface comprising:

at least one option quote area presenting a plurality of option quotes; and

an order entry area comprising input areas for inputting two or more option orders, wherein selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote.

2. A user interface according to Claim 1, further comprising:

a submit control usable by a user to place the two or more option orders.

3. (Cancelled)

4. A user interface according to Claim 1, wherein selection of a second one of the presented plurality of option quotes results in population of second appropriate input areas of the order entry area with a second option order corresponding to the second selected option quote.

5. A user interface according to Claim 1, further comprising:

a control usable to specify a number of option quotes to present in at least one of the at least one option quote area.

6. A user interface according to Claim 1, further comprising:

a control usable to specify a number of strike prices above and/or below a particular option strike price for which associated option quotes are presented in at least one of the at least one option quote area.

7. A user interface according to Claim 6, wherein the particular strike price is equal to a current price of a security underlying the option.

8. A user interface according to Claim 1, wherein a presented option quote is associated with one of a plurality of brightness levels of a color wherein a level of brightness is determined based on a difference between a strike price of the presented option quote and a price of a security underlying the presented option quote.

9. A user interface according to Claim 1, wherein each presented option quote is associated with an option exchange, and wherein all presented option quotes associated with a particular option exchange are associated with a color that is associated with the particular option exchange.

10. A user interface comprising:

at least one option quote area presenting a plurality of option quotes; and

a control usable to specify a number of strike prices above and/or below a particular option strike price for which associated option quotes should be presented in at least one of the at least one order entry area, wherein selection of one of the plurality of option quotes results in population of appropriate input areas of the at least one order entry area with an option order corresponding to the selected option quote.

11. A user interface according to Claim 10, wherein a presented option quote is associated with one of a plurality of brightness levels of a color wherein a level of brightness is

determined based on a difference between a strike price of the presented option quote and a price of a security underlying the presented option quote.

12.   A user interface according to Claim 10, wherein each presented option quote is associated with an option exchange, and wherein all presented option quotes associated with a particular option exchange are associated with a color that is associated with the particular option exchange.

13.   A user interface according to Claim 10, further comprising:

an order entry area comprising input areas for inputting two or more option orders.

14.   A user interface according to Claim 13, wherein selection of a second one of the presented plurality of option quotes results in population of second appropriate input areas of the order entry area with a second option order corresponding to the second selected option quote.

15.   A method comprising:

presenting at least one option quote area presenting a plurality of option quotes; and

presenting an order entry area comprising input areas for inputting two or more option orders, wherein selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote.

16.   A method according to Claim 15, further comprising:

receiving an instruction to place the two or more option orders; and

placing the two option orders.

17.   A method according to Claim 15, further comprising:

receiving a selection of one of the presented plurality of option quotes; and

presenting details of an option order corresponding to the selected option quote in appropriate input areas of the order entry area.

18.   A method according to Claim 17, further comprising:

receiving a selection of a second one of the presented plurality of option quotes;

presenting details of a second option order corresponding to the second selected option quote in second appropriate input areas of the order entry area.

19.   A method according to Claim 15, wherein the step of presenting the at least one option quote area comprises:

receiving a number of option quotes to present in at least one of the at least one option quote area; and

presenting the number of option quotes in the at least one of the at least one option quote area.

20.   A method according to Claim 15, wherein the step of presenting the at least one option quote area comprises:

receiving a number of strike prices above and/or below a particular option strike price for which associated option quotes are presented in at least one of the at least one option quote area; and

presenting option quotes associated with the number of strike prices above and/or below the particular option strike price in the at least one of the at least one option quote area.

21.   A method according to Claim 20, wherein the particular strike price is equal to a current price of a security underlying the option.

22.   A method according to Claim 15, wherein the step of presenting the at least one option quote area comprises:

determining one of a plurality of brightness levels of a color wherein a level of brightness is based on a difference between a strike price of an option quote and a price of a security underlying the presented option quote; and

presenting the option quote in association with the one of a plurality of brightness levels

presenting the option quote in association with the color.

23.   A method according to Claim 15, wherein the step of presenting the at least one option quote area comprises:

determining an option exchange associated with an option quote;

determining a color associated with the option exchange; and

presenting the option quote in association with the color.

24.   A medium storing processor–executable process steps, the process steps comprising:

a step to present at least one option quote area presenting a plurality of option quotes; and

a step to present an order entry area comprising input areas for inputting two or more option orders, wherein selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote.

25.   A medium according to Claim 24, the process steps further comprising:

a step to receive a selection of one of the presented plurality of option quotes; and

a step to present details of an option order corresponding to the selected option quote in appropriate input areas of the order entry area.

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26. A medium according to Claim 25, the process steps further comprising:

a step to receive a selection of a second one of the presented plurality of option quotes; and

a step to present details of a second option order corresponding to the second selected option quote in second appropriate input areas of the order entry area.

27. A medium according to Claim 24, wherein the step to present the at least one option quote area comprises:

a step to receive a number of strike prices above and/or below a particular option strike price for which associated option quotes are presented in at least one of the at least one option quote area; and

a step to present option quotes associated with the number of strike prices above and/or below the particular option strike price in the at least one of the at least one option quote area.

28. A medium according to Claim 27, wherein the particular strike price is equal to a current price of a security underlying the option.

29. An apparatus to manage corporate entities, comprising:

a processor; and

a storage device in communication with said processor and storing instructions adapted to be executed by said processor to:

present at least one option quote area presenting a plurality of option quotes; and

present an order entry area comprising input areas for inputting two or more option orders, wherein selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote.

30.   An apparatus according to Claim 29, the instructions further adapted to be executed to:

receive a selection of one of the presented plurality of option quotes.

31.   An apparatus according to Claim 30, the instructions further adapted to be executed to:

receive a selection of a second one of the presented plurality of option quotes; and

present details of a second option order corresponding to the second selected option quote in second appropriate input areas of the order entry area.

32.   An apparatus according to Claim 29, the instructions adapted to be executed to present at least one option quote area comprise instructions adapted to be executed to:

present the at least one option quote area comprises:

receive a number of strike prices above and/or below a particular option strike price for which associated option quotes are presented in at least one of the at least one option quote area; and

a step to present option quotes associated with the number of strike prices above and/or below the particular option strike price in the at least one of the at least one option quote area.

33.   An apparatus according to Claim 32, wherein the particular strike price is equal to a current price of a security underlying the option.

34.   A system for managing option information, comprising:

an option server for receiving option quote information and for transmitting option quote information; and

a client device for receiving option quote information from the option server, for presenting at least one option quote area presenting a plurality of option quotes, and for

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presenting an order entry area comprising input areas for inputting two or more option orders, wherein selection of one of the presented plurality of option quotes results in population of appropriate input areas of the order entry area with an option order corresponding to the selected option quote.

35.   A system according to Claim 34, wherein the client device receives a selection of one of the presented plurality of option quotes, and presents details of an option order corresponding to the selected option quote in appropriate input areas of the order entry area.

36.   A system according to Claim 34, wherein the client device receives a number of option quotes to present in at least one of the at least one option quote area.

37.   A system according to Claim 34, wherein the client device receives a number of strike prices above and/or below a particular option strike price for which associated option quotes are presented in at least one of the at least one option quote area, and presents option quotes associated with the number of strike prices above and/or below the particular option strike price in the at least one of the at least one option quote area.

APPENDIX B - EVIDENCE

No evidence is being submitted with this Appeal Brief (*i.e.*, this appendix is empty).

APPENDIX C - RELATED PROCEEDINGS

No prior or pending appeals, interferences, or judicial proceedings are known to Appellant, Appellant's legal representative, or assignee, which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal. Therefore, there are no copies of decisions rendered by a court or the Board to attach (*i.e.*, this appendix is empty).